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Docket No. GJE-70  
Serial No. 09/868,352Remarks

Claims 31-42 were pending in the subject application. By this Amendment, claims 31 and 37 have been amended and claims 32, 34, 38, and 40 have been cancelled. The undersigned avers that no new matter is introduced by this amendment. The amendments and claim cancellations set forth herein should not be interpreted to indicate that the applicants have agreed with, or acquiesced to, the rejections set forth in the outstanding Office Action. Accordingly, claims 31, 33, 35-37, 39, 41, and 42 are currently before the Examiner for consideration. Favorable consideration of the claims now presented, in view of the remarks and amendments set forth herein, is respectfully requested.

As an initial matter, the applicants and the applicants' representative wish to thank Examiner Baskar for the courtesy of the telephonic interview conducted with the undersigned on January 12, 2004, regarding claims 31 and 37 and the rejections under 35 U.S.C. § 112, first paragraph. In particular, the bacterial infection recited in the claims and immunogenic portions of pho3-1 were discussed. The remarks and amendments set forth herein are consistent with the substance of the interview and are believed to address the outstanding issues as discussed during the interview.

Claims 31-42 have been rejected under 35 U.S.C. § 112, first paragraph, as lacking sufficient written description and as non-enabled. As acknowledged at pages 2 and 3 of the Office Action, the subject specification discloses the polynucleotide of SEQ ID NO:22 encoding the GBS polypeptide of SEQ ID NO:23 (pho3-1). As discussed during the telephonic interview, by this Amendment, the applicants have amended claims 31 and 37 to recite a method for treating or preventing a condition associated with Group B Streptococcal infection by administering a peptide comprising the amino acid sequence of SEQ ID NO:23 (pho3-1), or an immunogenic portion thereof, wherein the immunogenic portion elicits an immune response against Group B Streptococcus, and wherein the immune response recognizes the full-length amino acid sequence of SEQ ID NO:23. Support for this amendment can be found, for example, at page 2, lines 19-37, page 3, lines 10-13, page 4, lines 13-15, and page 15, lines 10-30, of the subject specification. With the benefit of the subject specification, the recited immunogenic portion can be obtained by one of ordinary skill in the art. The skilled artisan can determine suitable portions of the polypeptide that retain the immunogenic properties of the native molecule without resort to undue experimentation. Since prior to 1984, it has

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been well-known that *Bal31* exonuclease can be conveniently used for time-controlled limited digestion of DNA encoding polypeptides. See for example, Maniatis, *et al.* (1982) *Molecular Cloning: A Laboratory Manual*, Cold Spring Harbor Laboratory, NY, pages 135-139. Given any known DNA sequence, the skilled artisan, by using *Bal31* exonuclease, could easily have removed nucleotides from either or both ends of the DNA molecule to systematically, routinely, and certainly generate a wide spectrum of DNA subsequences from all along the length of the molecule in one afternoon; and then introduce them into host cells. Likewise, successive N-terminal and/or C-terminal degradation of the native polypeptide can be carried out using exoproteases, such as carboxypeptidases. Endoproteases or acids having specific peptide bond cleavage activity can also be used to obtain immunogenic portions that retain the ability to elicit the recited immune response. The immunogenicity of such subsequences can be verified using methods disclosed in the subject application and/or other methods known to those skilled in the art.

Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. §112, first paragraph, is respectfully requested.

In view of the foregoing remarks and amendments to the claims, the applicants believe that the currently pending claims are in condition for allowance, and such action is respectfully requested.

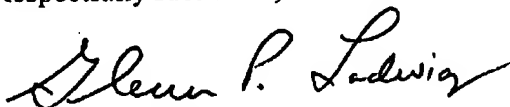
The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16 or 1.17 as required by this paper to Deposit Account 19-0065.

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The applicants invite the Examiner to call the undersigned if clarification is needed on any of this response, or if the Examiner believes a telephonic interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,



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